

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No. 3918 of 2007

Date of decision: 5.11.2007

Gurcharan Singh

...Petitioner

Versus

Kashmir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. A.K.Sama, Advocate for
Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

RAJESH BINDAL, J.

The challenge in the present petition is to the orders passed by both the Courts below whereby application filed by the petitioner/plaintiff under Order 39 Rule 1 and 2 of the Code of Civil Procedure (for short “the Code”) for interim relief was dismissed.

The claim made in the suit was for permanent injunction with the plea that the previously the respondent/defendant was owner in possession of the house in dispute. However, the same was sold by him to the petitioner/plaintiff by way of writing dated February 20, 2004 and the possession was also delivered. However, to prima facie substantiate his plea, the petitioner neither pleaded nor placed on record any sale deed executed by respondent/defendant transferring the ownership of the house in dispute to the petitioner. Once the petitioner has not been able to prima facie satisfy the Court about the transfer of ownership of the property in dispute in his favour, in my opinion, no illegality has been committed by the Courts below in refusing interim relief to the petitioner.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

**November 05, 2007
Pka**

**(Rajesh Bindal)
Judge**